

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

DEMETRIUS BLANKENSHIP,

Plaintiff,
v.

AMERICAN PHOENIX,

Defendant.

ORDER

17-cv-847-jdp

Pro se plaintiff Demetrius Blankenship has filed a transcript request, but he has not submitted payment to the court reporter. Instead, on the portion of the form asking for the type of payment being submitted, Blankenship has written “fee waiver,” so I construe his request as including a motion under 28 U.S.C. § 753(f) to prepare transcripts at government expense.

There were no hearings or trial in this case. The only transcripts that the court reporter could prepare would be for the telephonic preliminary pretrial conference before Magistrate Judge Stephen Crocker. But Blankenship’s notice of appeal states that he is challenging the court’s summary judgment decision, not the preliminary pretrial conference order. Because the transcripts are not relevant to his appeal, I will deny his motion for transcripts at government expense. *See Bedford v. Neighborhood Connections*, No. 04-C-978-C, 2005 WL 1378917, at *1 (W.D. Wis. June 8, 2005) (“This statute authorizes judges to request the government to pay for transcripts that are *necessary* to permit the court of appeals to assess adequately an indigent party’s arguments on appeal.” (emphasis added)). *See also McCarthy v. Bronson*, 906 F.2d 835, 841 (2d Cir. 1990) (because “resolution [of the appeal] does not require examination of the evidence presented at the hearing before the Magistrate, . . . it was not error to deny [the

plaintiff] a free copy of the transcript of that hearing"). If Blankenship wants the court reporter to prepare transcripts for the preliminary pretrial conference order, he may renew his request, but he will have to submit advance payment to the reporter. *See* 28 U.S.C. § 753(f) ("The reporter may require any party requesting a transcript to prepay the estimated fee in advance except as to transcripts that are to be paid for by the United States.").

ORDER

IT IS ORDERED that plaintiff Demetrius Blankenship's motion for transcripts at government expense, Dkt. 67, is DENIED.

Entered August 13, 2019.

BY THE COURT:

/s/

JAMES D. PETERSON
District Judge